

3-1-06

DAC

CASE 4-31336P1 Ifw



FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV32671850805

Express Mail Label Number

FEB 28 2006

Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1644

CROWL ET AL.

Examiner: P. Nolan

APPLICATION NO: 09/522,699

FILED: MARCH 10, 2000

FOR: ARTHRITIS-ASSOCIATED PROTEIN

**MS: Petitions**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

RENEWED PETITION TO REVIVE UNDER 37 CFR 1.137(b)

Sir:

Applicants respectfully request reconsideration that the above-identified application be revived under the provisions of 37 CFR 1.137(b).

This application became abandoned by failure to file Formal Drawings after receipt of the Office Communication resending the Notice of Allowability and Notice of Draftperson's Patent Drawing Review mailed April 26, 2005. Enclosed is a copy of the Petition for Revival of an Application for Patent Abandoned Unintentionally filed on November 10, 2005. In response to applicants Petition, a decision Dismissing the Petition was mailed on January 23, 2006 (copy enclosed).

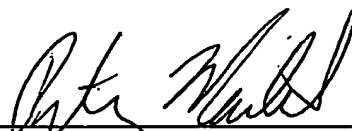
In the Decision on Petition, it is stated that the Petition was dismissed as the Petition filed on November 10, 2005 lacked the petition fee. In accordance with 37 CFR 1.137(b)(2), the Commissioner is hereby authorized to charge the fee of \$1,500 required by 37 CFR 1.17(m) to Deposit Account No. 19-0134 in the name of Novartis. A duplicate copy of this Petition is also enclosed.

03/02/2006 YPOLITE1 00000019 190134 09522699

01 FC:1453 1500.00 DA

In accordance with 37 CFR 1.137(b)(3), it is respectfully submitted that the entire delay in filing the required Drawings from the due date of June 26, 2005 until the filing of the instant, grantable petition was unintentional.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter J. Waibel", is written over a horizontal line.

Peter J. Waibel  
Attorney for Applicants  
Reg. No. 43,228

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(862) 778-7951

Date: FEB 28 2008



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
4-31336P1

First named inventor: Crowl et al.

Application No.: 09/522,699

Art Unit: 1644

Filed: March 10, 2000

Examiner: P. Nolan

Title: ARTHRITIS-ASSOCIATED PROTEIN

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (Identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Edward J. Wilusz, Jr.  
Signature

11/10/05  
Date

Edward J. Wilusz, Jr.

52,370

Typed or printed name

Registration Number, if applicable

One Health Plaza, Building 104

862-778-7960

Address

Telephone Number

East Hanover, NJ 07936

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

11/10/05  
Date

Paula Steiner  
Signature  
Paula Steiner  
Typed or printed name of person signing certificate



FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10	
EV336718525US	NOVEMBER 14, 2005
Express Mail Label Number	Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
CROWL ET AL.

Art Unit: 1644  
Examiner: P. Nolan

APPLICATION NO: 09/522,699

FILED: MARCH 10, 2000

Notice of Allowance: September 4, 2003

FOR: ARTHRITIS-ASSOCIATED PROTEIN

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450  
Attention: Official Draftsperson

COMMUNICATION FORWARDING FORMAL DRAWINGS

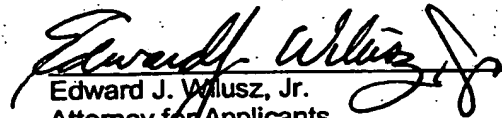
Sir:

Applicants enclose herewith a new set of formal drawings for FIGS. 1-6 (five sheets total).

Notice of the approval of these drawings is respectfully requested.

Respectfully submitted,

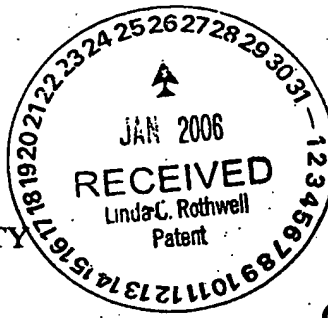
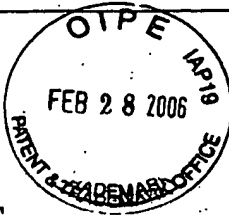
Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(862) 778-7960

  
Edward J. Wilusz, Jr.  
Attorney for Applicants  
Reg. No. 52,370

Date: 11/10/05



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

NOVARTIS  
CORPORATE INTELLECTUAL PROPERTY  
ONE HEALTH PLAZA 104/3  
EAST HANOVER, NJ 07936-1080

**COPY MAILED**

**JAN 23 2006**

**OFFICE OF PETITIONS**

**ON PETITION**

PJW

In re Application of  
Robert Mitchell Crowl, et al.  
Application No. 09/522,699  
Filed: March 10, 2000  
Attorney Docket No. 4-31336P1

This is a decision on the petition under 37 CFR 1.137(b), filed November 14, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) 2.

Petitioner is advised that as of December 8, 2004, the Petition fee for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b) is \$1500 for a large entity. A petition fee is due upon the filing of the "renewed petition".

Further correspondence with respect to this matter should be addressed as follows:

DOCKETED FOR: Mar. 23, 2006

By mail:           Mail Stop PETITIONS  
                      Commissioner for Patents  
                      Post Office Box 1450  
                      Alexandria, VA 22313-1450

By hand:           Customer Service Window  
                      Mail Stop Petitions  
                      Randolph Building  
                      401 Dulany Street  
                      Alexandria, VA 22314

• By fax:           (571) 273-8300  
                      ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at  
(571) 272-3229.



Retta Williams  
Petitions Examiner  
Office of Petitions